

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Chance Ronald Collins,

Petitioner,

v.

Barry Larson, et al.,

Respondents.

No. CV-12-02723-PHX-SRB

ORDER

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on April 22, 2013 raising three grounds for relief: 1) Petitioner alleges there was insufficient evidence to support his convictions, contrary to Due Process Clause of the Fifth and Fourteenth Amendments; 2) Petitioner alleges his prison sentence was excessive, in violation of the Eighth Amendment; and 3) Petitioner challenges the Governor of Arizona's decision to deny a reduction or commutation of his sentence despite a favorable recommendation by the Arizona Board of Executive Clemency. Respondents filed their Limited Answer to Petitioner's Petition for Writ of Habeas Corpus on August 15, 2013. No reply was filed. On February 18, 2014, the Magistrate Judge issued his Report and Recommendation recommending that the amended petition be denied because the claims in grounds one and two are procedurally defaulted and the claim in ground three is not cognizable on federal habeas review.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 14 days from the date of service of a copy of the Report and Recommendation

1 within which to file specific written objections with the Court. The time to file such
2 objections has expired and no objections to the Report and Recommendation have been
3 filed.

4 The Court finds itself in agreement with the Report and Recommendation of the
5 Magistrate Judge.

6 IT IS ORDERED adopting the Report and Recommendation of the Magistrate
7 Judge as the order of this Court. (Doc. 19)

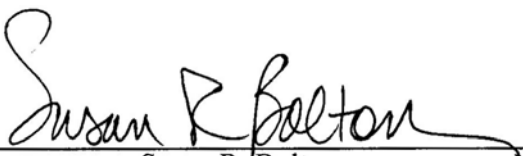
8 IT IS FURTHER ORDERED that the Amended Petition for Writ of Habeas
9 Corpus is denied. (Doc. 7)

10 IT IS FURTHER ORDERED denying a Certificate of Appealability and leave to
11 proceed in forma pauperis on appeal because the denial of the Amended Petition is
12 justified by a plain procedural bar and jurists of reason would not find the procedural
13 ruling debatable.

14 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

15 Dated this 11th day of March, 2014.

16
17
18
19
20
21
22
23
24
25
26
27
28



Susan R. Bolton
United States District Judge